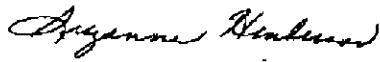


Electronically Recorded

Official Public Records



Suzanne Henderson

Tarrant County Texas

2008 Oct 23 07:09 AM

Fee: \$ 24.00

Submitter: SIMPLIFILE

D208403584

3 Pages

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

AMENDMENT OF OIL AND GAS LEASE

STATE OF TEXAS }

COUNTY OF TARRANT }

WHEREAS, Kevin W. Vann, J.C.D., D.D., Bishop of the Catholic Diocese of Fort Worth, hereinafter referred to as "Lessor" heretofore executed an Oil and Gas Lease, dated August 16, 2007, to **Fort Worth Energy** hereinafter referred to as "Lessee" recorded on August 16, 2007 at Clerk's Document No. D207291264 Deed Records of Tarrant County, Texas, hereinafter referred to as "The Lease", whereby Lessor leased certain lands situated in Tarrant County, Texas, to wit:

TRACT 1:

Immaculate Heart of Mary Catholic Church
100 E. Hammond Fort Worth, Texas

Block 1, Lot 1, Immaculate Heart of Mary Church Subdivision to Fort Worth, Tarrant County, Texas.

TRACT 2:

Immaculate Heart of Mary Catholic Church
East Pafford Street
Fort Worth, Texas

Lots 3, 4, 5, 6, 7, 9, 10 and 11R Block 1, J.S. Smith Subdivision

Lots 1, 2, 3, 4, 5, 6, 7 Block 2, J.S. Smith Subdivision

Lots 11, 12, Block 32, Worth Heights Subdivision

Tarrant County, Texas

AND WHEREAS, said description is incomplete and indefinite as to legal description, and the lands intended to be covered are more accurately described as follows:

24.993 acres of land, more or less, located in the John Thornhill Survey, A-1519, the J. F. Ellis Survey, A-490, the J. Asbury Survey, A-10, all in Tarrant County, Texas, being more particularly described in the following four tracts:

TRACT ONE: 19.966 acres of land, more or less, located in the John Thornhill Survey, A-1519, Tarrant County, Texas, being a portion of a certain 26.286 acres of a called 23.457 acres of land known as Lot 1, Block 1, Immaculate Heart of Mary, according to the Plat thereof recorded in Volume A, Page 8911, Plat Records of Tarrant County, Texas; **LESS AND EXCEPT:** 6.32 acres, of a called 4.96 acres of land, more or less, being more particularly described in that certain Special Warranty Deed dated February 1, 2001, from TXI Operations, L. P., a Delaware limited partnership, to Vertex Asset Partners, L. P., a Texas limited partnership, as recorded in Volume 14728, Page 164 of the Official Public Records of Tarrant County, Texas.

TRACT TWO: 1.317 acres of land, of a called 0.966 of an acre, more or less, located in the J. F. Ellis Survey, A-490, Tarrant County, Texas, being Lots 3, 4, 5, 6, 7, 9 and 10, Block 1, J. S. Smith's Addition, according to the Plat thereof recorded in Volume 204-A, Page 118 of the Official Plat Records of Tarrant County, Texas.

TRACT THREE: 1.930 acres of land, of a called 1.355 acres of land, more or less, located in the J. F. Ellis Survey, A-490, Tarrant County, Texas, being Lot 11-R, Block 1, J. S. Smith's Addition, according to the Plat thereof recorded in Volume 388-107, Page 10 of the Official Plat Records of Tarrant County, Texas.

D208403584

TRACT FOUR: 1.317 acres of land, of a called 0.964 of an acre, more or less, located in the J. F. Ellis Survey, A-490, Tarrant County Texas, being Lots 1, 2, 3, 4, 5, 6 and 7, Block 2, J. S. Smith's Addition, according to the Plat thereof recorded in Volume 204-A, Page 118 of the Official Plat Records of Tarrant County, Texas.

TRACT FIVE: 0.463 of an acre, of a called 0.287 of an acre, more or less, located in the J. Asbury Survey, A-10, Tarrant County, Texas, being Lots 11 and 12, Block 32, Worth Heights Addition, according to the Plat thereof recorded in Volume 204-A, Page 149 of the Official Public Records of Tarrant County, Texas.

AND WHEREAS, the lease and all rights, and privileges thereunder are now owned and held by **XTO ENERGY INC.**, a Delaware Corporation.

NOW THEREFORE in consideration of the premises, and for the purposes of making the said lease definite and certain respect to the identity of the lands to be covered thereby, the undersigned Lessor does hereby declare that it was and is the intention of Lessor to lease for oil and gas purposes the identical tract of land last above described; and does hereby amend said lease in respect to the description of the lands included therein, as aforesaid, and ratify and adopt the same as so amended.

AND WHEREAS notwithstanding anything to the contrary, it is the desire of Lessee and Lessor to amend Paragraph 7. **Pooling** of the Lease to allow for 640 acres, plus 10% tolerance for pooling.


AND WHEREAS notwithstanding anything to the contrary, it is the desire of the Lessee and Lessor to delete Paragraph 18 **Favored Nations** clause from the Lease in its entirety.


NOW THEREFORE, it is the desire of Lessee and Lessor to amend Paragraph 4 **Royalty** of the Lease, which shall now be calculated at twenty-six percent (26%).

AND, for the same consideration recited above, Lessor does hereby adopt, ratify and confirm The Lease, and all of its provisions, except as herein modified and amended, and does hereby grant, lease, and let to the Lessee therein or its successors and assigns, any and all interest which Lessor, now has, or may hereafter acquire, either by conveyance, devise, inheritance or operation of laws, and whether vested, expectant, contingent or future, in and to the lands described therein, in accordance with each and all of the provisions contained in The Lease and as amended hereby, and the undersigned hereby declares that The Lease and all of its provisions, as amended, are binding on the undersigned and is a valid and subsisting Oil and Gas Lease and this agreement shall extend to and be binding upon the heirs, executors, administrators, successors, and assigns of the undersigned Lessor.

IN WITNESS WHEREOF, this Amendment is executed by the undersigned on the respective date of acknowledgment below, but is effective as of the date of August 16, 2007, date of "The Lease".

LESSOR:


Kevin W. Vann, J.C.D., D.D. Bishop of the
Catholic Diocese of Fort Worth

By 
Rev. E. James Hart, Attorney-in-Fact
For Kevin W. Vann, J.C.D., D.D., Bishop
Of the Catholic Diocese of Fort Worth

Address: The Catholic Center
800 W. Loop 820 South
Fort Worth, Texas 76108-2919

ACKNOWLEDGMENT

STATE OF TEXAS }
COUNTY OF TARRANT}

This instrument was acknowledged before me on the 15th day of October, 2008, by E. James Hart, Attorney-in-Fact for Kevin W. Vann, J.C.D., D.D., Bishop of the Catholic Diocese of Fort Worth.



Joy Howrey
Notary Public, State of Texas

Return to: Bryson G. Kuha
6127 Green Jacket Dr.
Apt. # 1136
Fort Worth, TX 76137